

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LARRY FORSYTHE,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

Case No. 2:11-cv-01357-GMN-GWF

ORDER

Appeal from Nev. S. Ct. (#1)

This matter is before the Court on Plaintiff's Appeal from Nev. S. Ct. (#1), filed on August 22, 2011.

DISCUSSION

Pursuant to the Prison Litigation Reform Act of 1995, the district court is required to assess a fee where a prisoner is granted leave to proceed *in forma pauperis* in a civil action, and the prison officials are required to collect and remit the money to the court. *See* 28 U.S.C. § 1915(b)(1)-(2). Pursuant to the IFP Motion Financial Certificate, a plaintiff must pay a filing fee of \$350.00. If the plaintiff does not have \$350.00, the plaintiff will not be allowed to proceed with the action until the plaintiff pays appropriate fees. The plaintiff will be required to pay either 20% of the average monthly balance or 20% of the average monthly deposits, whichever is greater. Furthermore, the plaintiff will be required to pay installments of 20% of the preceding month's deposits to the account in months that the account balance exceeds \$10.00.

Plaintiff failed to submit a completed Application to Proceed *In Forma Pauperis*. Plaintiff also failed to attach a current IFP Motion Financial Certificate to his application. Plaintiff's financial status is indeterminate; specifically, Plaintiff needs to submit a completed Application to Proceed *In Forma*

1 *Pauperis* and attach a completed IFP Motion Financial Certificate indicating the average monthly
2 balance in his inmate account before the Court will allow Plaintiff to proceed with this action.

3 Further, it appears to the Court, from the caption of the document, Plaintiff may be attempting to
4 bring a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. Accordingly,


5 **IT IS HEREBY ORDERED** that Plaintiff's Appeal from Nev. S. Ct. (#1) is **denied** without
6 prejudice.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send Plaintiff an Application to
8 Proceed *In Forma Pauperis* (Prisoner), **Code IFP Motion**, and an Application to Proceed *In Forma*
9 *Pauperis* Instructions, **Code IFP Instructions**, to High Desert State Prison, Larry Forsythe, Inmate #
10 1024861, P.O. Box 650, Indian Springs, NV 89018.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall also send a copy of this Order
12 to the attention of the inmate accounts department of the High Desert State Prison, Larry Forsythe,
13 Inmate # 1024861, P.O. Box 650, Indian Springs, NV 89018.

14 **IT IS FURTHER ORDERED** that Plaintiff shall have **thirty (30) days** from the date this
15 Order is entered in which to send a completed IFP Motion Financial Certificate. Failure to do so may
16 result in dismissal of this action.

17 DATED this 24th day of August, 2011.

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20 **GEORGE FOLEY, JR.**
21 **UNITED STATES MAGISTRATE JUDGE**
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